

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY ROSS,

Defendant.

8:21CR52

**PRELIMINARY ORDER
OF FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 50). The Court has carefully reviewed the record in this case and finds as follows:

1. On October 20, 2022, defendant Gary Ross ("Ross") pleaded guilty to Counts III and IV of the Indictment (Filing No. 1) and admitted the Forfeiture Allegation. Count III charged Ross with possession with intent to distribute a controlled substance (marijuana); in violation of 21 United States Code section 841(a)(1) and (b)(1)(D). Count IV of the Indictment charged him with possession a firearm in furtherance of drug trafficking crime; in violation of 18 United States Code section 924(c)(1)(A)(i).

2. The Forfeiture Allegation sought forfeiture, pursuant to 21 U.S.C. § 853, of \$15,300 in United States currency taken from 11235 Seward Plaza, Apartment 2422, Omaha, Nebraska, on or about August 28, 2020, on the basis it was (a) used to facilitate the offenses charged in the Indictment or (b) derived from proceeds obtained directly or indirectly as a result of the commission of the offenses charged in the Indictment.

3. Based on Ross's guilty plea and admission, Ross forfeits his interest in the \$15,300 in United States currency and the government is entitled to possession of any interest Ross has in the \$15,300 in United States currency pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Order of Forfeiture is granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 50) is granted.
2. Based upon the Forfeiture Allegation of the Indictment (Filing No. 1) and Ross's guilty plea and admission, the government is hereby authorized to seize the \$15,300 in United States currency.
3. Ross's interest in the \$15,300 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$15,300 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the \$15,300 in United States currency in such manner as the Attorney General may direct, and notice that any person, other than Ross, having or claiming a legal interest in the \$15,300 in United States currency must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$15,300 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$15,300 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$15,300 in United States currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 26th day of October 2022.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge